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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,207	01/31/2002	Serguei A. Glazko	010251	9894
23696	7590	08/02/2006	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				PHAN, HUY Q
		ART UNIT		PAPER NUMBER
		2617		

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/062,207	GLAZKO ET AL.
	Examiner Huy Q. Phan	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 October 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-51 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8,10-19,21-26,28-37,39-48, 50 and 51 is/are rejected.

7) Claim(s) 9,20,27,38 and 49 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Response to Amendment***

2. This Office Action is in response to Amendment filed on date: 10/27/2004. Claims 1-51 are still pending.

#### ***Response to Arguments***

3. Applicant's arguments, see remarks, filed on 10/27/2004, with respect to the rejection(s) of claim(s) 1-51 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11, 19-22, 37-40 and 48-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8, 10, 19, 21, 37, 39, 48 and 50 recite the limitation "the supervision timer" the first line. There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 12-15, 17, 23, 24, 10-33, 41-44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Burson (US-5,550,895).

Regarding claim 1, Burson discloses a method (figs. 4-6 and descriptions) comprising:

starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and

estimating a duration of a transition ("50 milliseconds", see col. 10, line 16) from the first wireless communication system to a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

Regarding claim 12, Burson discloses a processor-readable medium containing processor executable instructions (col. 7, lines 1-16) for:

starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and

estimating a duration ("50 milliseconds", see col. 10, line 16) of a transition from the first wireless communication system to a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

Regarding claim 30, Burson discloses an apparatus comprising:

means for starting a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26); and  
estimating a duration ("50 milliseconds", see col. 10, line 16) of a transition from the first wireless communication system to a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605"; see col. 10).

Regarding claim 41, Burson discloses a system comprising:

a memory that stores processor-readable instructions (fig. 3, 340 and see col. 7, lines 1-16); and  
a processor (fig. 3, 340 and see col. 7, lines 1-16) coupled to the memory that executes the instructions to start a timer (fig. 6, 601) defined for use within a first wireless communication system ("cordless" system, see col. 10, lines 9-26) and to estimate a duration ("50 milliseconds", see col. 10, line 16) of a transition from the first

wireless communication system to a second wireless communication system ("cellular" system; see col. 10, lines 27-45) as a function of the timer ("Once the timer 1 has expired, a timer 2 is started in step 605" see col. 10).

Regarding claims 2, 13, 31 and 42, Burson discloses all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively, further comprising performing a pre-defined operation (fig. 6, 601-608) associated with the timer (see col. 10, lines 9-44).

Regarding claims 3, 14, 32 and 43, Burson discloses all the limitations as recited in the rejection of claims 2, 13, 31 and 42 respectively, wherein the operation is pre-defined by the first wireless communication system (see col. 10, lines 9-26).

Regarding claims 4, 15, 33 and 44, Burson discloses all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively, wherein the timer comprises a supervision timer (fig. 6, 601, 604, 605 and 608).

Regarding claims 6, 17 and 46, Burson discloses all the limitations as recited in the rejection of claims 1, 12 and 41 respectively, further comprising:

starting a plurality of timers (fig. 6, 601 and 605) defined for use within the first wireless communication system (col. 10, lines 9-44); and

when returning to the first wireless communication system, estimating the duration ("50 milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) of the transition as a function of the plurality of timers (col. 10, lines 9-52).

Regarding claim 23, Burson discloses a wireless communication device (fig. 3) comprising:

first wireless communication system hardware (fig. 3, "cordless" components 318) for operating in a first wireless communication system ("cordless" system, see col. 10, lines 9-26);

second wireless communication system hardware (fig. 3, "cellular" components 354) for operating in a second wireless communication system ("cellular" system; see col. 10, lines 27-45);

an interoperation module (fig. 3, 340 and see col. 7, lines 1-16) to configure the wireless communication device in response to a transition between the first and second wireless communication systems (figs. 4-6 and descriptions), the interoperation module configured to estimate a duration ("50 milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) of the transition as a function of a supervision timer (col. 10, lines 9-52).

Regarding claim 24, Burson discloses the wireless communication device of claim 23, wherein the interoperation module is configured (fig. 3, 340 and see col. 7, lines 1-16) to estimate the duration of the transition as a function ("50 milliseconds", see

col. 10, line 16; and "350 milliseconds", see col. 10, line 29) of a plurality of supervision timers (col. 10, lines 9-52).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 8, 10, 11, 16, 18, 19, 21, 22, 25, 26, 28, 29, 34-37, 39, 40, 45, 47, 48, 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burson in view of Vanghi (US-2002/0111169).

Regarding claims 5, 16, 34 and 45, Burson discloses all the limitations as recited in the rejection of claims 1, 12, 30 and 41 respectively, except wherein the timer is defined by the IS856 wireless communication standard. However in analogous art, Vanghi teaches wherein the timer is defined by the IS856 wireless communication standard ("time permitted by the IS-856 radio network"; see [0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burson as taught by Vanghi "Because the access terminal knows the maximum time the IS-856 radio network will maintain its suspended connection, it knows whether or not it should resume communication with the IS-856 network using the suspended connection. If the access terminal has suspended its communication with the IS-856 radio network for longer than the maximum allowed

suspension time, it will request a new connection the network. In so doing, the access terminal avoids communicating with the IS-856 radio network on communication channels associated with its prior connection that may have already been reassigned by the IS-856 radio network to another access terminal" see [0012].

Regarding claim 35, Burson and Vanghi discloses the apparatus of claim 34. Burson further discloses means for starting a plurality of timers (fig. 6, 601 and 605) defined for use within the first wireless communication system (col. 10); and means for estimating the duration of the transition as a function of the plurality of timers ("50 milliseconds", see col. 10, line 16; and "350 milliseconds", see col. 10, line 29) when returning to the first wireless communication system (col. 10, lines 9-52).

Regarding claims 7, 18, 25, 36 and 47, Burson discloses all the limitations as recited in the rejection of claims 1, 12, 23, 30 and 41 respectively, except wherein the first wireless communication system is an IS856 system and the second wireless communication system is an IS2000-1x system. However in analogous art, Vanghi teaches wherein the first wireless communication system is an IS856 system (fig. 1, 22) and the second wireless communication system is an IS2000-1x system (fig. 1, 28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Burson as taught by Vanghi in order for "an access terminal may operate with both an IS-856 radio network and an IS-2000 radio network. Assuming the mobile terminal has established a connection with the IS-856

radio network, it may be necessary from time to time for it to also communicate with the IS-2000 radio network. Such need may arise, for example, from the necessity to monitor IS-2000 paging channels, or perform an idle state hand-off procedure. When communicating with the IS-2000 radio network, the access terminal suspends communication with the IS-856 network. The length of time spent in communication with the IS-2000 network depends on the specific activity and may vary from well under one second, to in excess of several seconds" see [0011].

Regarding claims 8, 19, 37 and 48, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 7, 18, 25, 36 and 47 respectively. Vanghi further discloses wherein the supervision timer comprises an IS856 Control Channel Supervision Timer ("time permitted by the IS-856 radio network"; see [0056]).

Regarding claims 10, 21, 28, 39 and 50, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 7, 18, 25, 36 and 47 respectively. Vanghi further discloses wherein the supervision timer comprises a data rate control (DRC) [0022] supervision timer ("time permitted by the IS-856 radio network"; see [0056]), the method further comprising:

starting a combination timer (fig. 5, 208); and

when returning to the IS856 system 9fig. 5, 216), estimating the duration of the transition as a function of the DRC supervision timer and the combination timer (fig. 5 and [0055]-[0057]).

Regarding claims 11, 22, 29, 40 and 51, Burson and Vanghi disclose all the limitations as recited in the rejection of claims 10, 21, 28, 39 and 50 respectively. Vanghi further discloses restarting a transmitter (in order to “request new connection with IS-859 network” see fig. 5 and [0055]-[0057]) in response to expiration of the DRC supervision timer (fig. 5, 214-YES-218); and

transitioning to an inactive state (fig. 5, 206) in response to expiration of the combination timer transmitter (see fig. 5 and [0055]-[0057]).

***Allowable Subject Matter***

7. Claims 9, 20, 27, 38 and 49 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 9, 20, 27, 38 and 49, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method further comprising:

attempting to receive a synchronous control channel capsule; and transitioning to a network acquisition state when the attempt to receive the synchronous control channel capsule is unsuccessful.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a) Schellinger discloses "Dual system cellular cordless radiotelephone apparatus with sub-data channel timing monitor" (see specification).
  - b) Imura discloses "Radio communication apparatus for communicating with a plurality of different communication systems" (see specification).
  - c) Wakamatsu discloses "Receiver, intermittent frame synchronizing method and portable remote terminal" (see specification).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

*George Eng*  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 07/24/2006